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6 Attorneys for Defendants SAN JOAQUIN
7 COUNTY; SAN JOAQUIN COUNTY
SHERIFF-CORONER PATRICK WITHROW;
8 ROBERT HART, M.D.; FOZIA NAR, L.V.N.;
MARY CEDANA, R.N.; SARAI HARDWICK,
9 L.V.N.; CYNTHIA BORGES- ODELL, MFT;
NICHOLE WARREN, P.T.; MANUEL
10 RODRIGUEZ-GALAVIZ, MFT; MARICEL
MAGAOAY, L.V.N.; MANDEEP KAUR, R.N.;
11 CHERYL EVANS, A.S.W.; CHRISTEL
BACKERT, FNP; and ROBYN MENDOZA, NP

12 UNITED STATES DISTRICT COURT

13 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION
14

15 SALVADOR SILVA, DECEASED, by and
16 through his Successor in Interest, SONJA
ALVAREZ, SONJA ALVAREZ, Individually,

17 Plaintiff,

18 v.
19

20 SAN JOAQUIN COUNTY, a public
entity; SAN JOAQUIN COUNTY SHERIFF-
CORONER PATRICK WITHROW, in his
21 individual and official capacities; ROBERT
HART, M.D.; FOZIA NAR, L.V.N.; MARY
22 CEDANA, R.N.; SARAI HARDWICK,
L.V.N.; CYNTHIA BORGES- ODELL, MFT;
23 NICHOLE WARREN, P.T.; MANUEL
RODRIGUEZ-GALAVIZ, MFT; MARICEL
24 MAGAOAY, L.V.N.; MANDEEP KAUR,
R.N.; CHERYL EVANS, A.S.W.; CHRISTEL
25 BACKERT, FNP; ROBYN MENDOZA, NP,
and DOES 1–20; individually, jointly, and
26 severally,

27 Defendants.
28

Case No. 2:20-cv-01461-JAM-KJN

**STIPULATION AND (PROPOSED)
ORDER RE: “FIRST LOOK”
AGREEMENT RE: DEFENDANTS’
FEDERAL RULE OF CIVIL
PROCEDURE 45 SUBPOENA**

Judge: John A. Mendez

1 The parties, by and through their respective attorneys of record, hereby stipulate to the
2 following order being issued in this matter:

3 1. Counsel for Defendants will serve a Federal Rule of Civil Procedure 45 subpoena for the
4 Production of Documents on Gary Lynn Cavanaugh, M.D. through the services of Titan
5 Legal Services, Inc. The records to be produced are described as follows:

6 a. Any and all medical records, (including psychiatric/psychological/mental health
7 records), files, reports, correspondence, whatsoever, relating to any care, treatment,
8 diagnosis, prognosis, consultation and/or findings, including but not be limited to,
9 any and all emergency room records, nurses notes, SOAP notes, operative reports,
10 radiology reports, pathology reports, all test and test results, medication records,
11 physical and/or occupational therapy records, workers' compensation records, sign-
12 in sheets, color photographs, patient information sheets, handwritten notes,
13 transcriptions, prescriptions, telephone messages, electronic media and any
documents in the file from other health care providers, from 2019 to the present
date pertaining to Salvador Silva, III; DOB: 5/14/1996; SS#: XXX-XX-2083.
Documents produced should also include, but not be limited to, any and all
electronically stored documents in your possession.

14 2. The subpoena has a production date and time of April 10, 2024, at 10:00 a.m.

15 3. Plaintiff's counsel contend that the subpoenaed documents likely contain privileged
16 information to which Defendants are not entitled.

17 4. Plaintiff's counsel and Defendants' counsel met and conferred on March 20, 2024. The
18 parties agree to the following "First-Look" Procedure:

19 a. Counsel for Defendants shall instruct Titan Legal Services, Inc. to obtain the
20 available subpoenaed documents by April 10, 2024; however, instead of producing
21 the documents to counsel for Defendants, Titan Legal Services, Inc. shall instead
22 produce the documents directly to Plaintiff's counsel's business address: Haddad &
23 Sherwin LLP, 505 17th Street, Oakland, CA 94612.

24 b. Upon receipt of the subpoenaed documents from Titan Legal Services, Inc.,
25 Plaintiff's counsel will then have seven (7) business days to review the documents
26 to see if they contain any privileged information. If the documents do contain such
27 information, Plaintiff's counsel shall redact and/or withhold the pages containing
28

that information and Plaintiff's shall create a privilege log complying with Federal Rules of Civil Procedure 45(e)(2)(A)(i)–(ii) and 26(b)(5)(A)(i)–(ii).

c. On or before the seventh (7th) business day after receiving the records from Titan Legal Services, Inc., Plaintiff's counsel shall serve the subpoenaed documents by Federal Express Priority Overnight on Defendants' counsel or electronically, depending on how the documents were produced to Plaintiff's counsel; if Plaintiff's counsel has redacted and/or withheld any information, they shall also concurrently serve the privilege log described in ¶ 3(b), above.

5. Counsel for Defendants shall pay for Titan Legal Services, Inc. in obtaining the documents and producing them to Plaintiff's counsel, and Plaintiff's counsel shall pay to send them by Federal Express Priority Overnight to Counsel for Defendants.

6. Counsel for Defendants reserves their rights to seek production of any documents that are withheld and/or redacted by Plaintiff's counsel pursuant to the terms of this agreement. Should any such discovery dispute not be subject to resolution through the meet and confer process, Defendants reserve their rights to file discovery motions with the court seeking an Order requiring production of withheld documents.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: March 25, 2024

HADDAD & SHERWIN LLP

/s/ Teresa Allen

TERESA ALLEN
Attorneys for Plaintiff

Dated: March 25, 2024

BURKE, WILLIAMS & SORESENSEN, LLP

/s/ Gregory B. Thomas

GREGORY B. THOMAS
Attorneys for Defendants

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 1, 2024



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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